

REMARKS

The Office Action of April 4, 2011, was received and carefully reviewed. Claims 7-37 were pending in this application prior to the instant amendment. By this amendment, no claims have been amended, canceled or newly added. Thus, claims 7-37 remain currently pending for consideration. In addition, Applicants wish to thank the Examiner for her time and consideration in the Examiner Interview on August 8, 2011.

Oath/Declaration

Claims 7-37 stand rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251, because the reissue oath/declaration allegedly fails to specifically identify at least one error which is relied upon to support the reissue application. In particular, the Examiner asserts that the declaration filed on March 17, 2011, does not clearly point out which original claim is in error. *See, page 2 of the Office Action.* Furthermore, the Examiner categorizes the instant application as a broadening reissue application, and thus requests that the reissue declaration be signed by all of the inventors. *See, page 3 of the Office Action.*

Without conceding in detail the merits of this rejection, Applicants submit herewith a new reissue declaration that conforms with the requirements of 37 CFR § 1.175, and which includes the language agreed upon by Applicants in the Examiner Interview on August 8, 2011. Specifically, Applicants have cited the following error in the original patent upon which this reissue application is based:

Applicants inadvertently included the feature of “forming a metal element diffusion film comprising a semiconductor in contact with said silicon nitride film”, in claims 1 and 6 of the original patent. This feature is unnecessary for patentability and narrows the claims below a scope which the inventors had a right to claim in the patent. This feature has been changed to recite, “forming a metal element diffusion film comprising a semiconductor over the crystallized semiconductor film”, in the claims of this reissue application.

Further, the reissue declaration submitted herewith is signed by all of the inventors, as requested by the Examiner. Thus, Applicants submit that the declaration is not defective, and respectfully request withdrawal of this rejection.

Double Patenting

Claims 7, 12, 17 and 29-31 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 7, 18 and 19 of U.S. Patent No. 5,700,333. Claims 7, 11, 12, 17, 21, 22, 26-28 and 32-37 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5-8, 36, 37, 41-43, 45-47, 49-51 and 53-61 of U.S. Patent No. 6,821,828. Without conceding in detail the merits of the Examiner's rejections, Applicants hereby submit a Terminal Disclaimer in compliance with 37 CFR 1.321(c) with respect to U.S. Patent Nos. 5,700,333 and 6,821,828, in order to overcome these rejections.

Conclusion

In view of the foregoing, Applicants respectfully request allowance of the instant application. If a conference would be helpful in expediting prosecution of the instant application, the Examiner is invited to telephone the undersigned to arrange such a conference.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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